



State of New Hampshire  
**WATER WELL BOARD**



Kelly M. Dobrowolski, *Pump Installer, Chair*  
Peter W. Caswell, C.W.D. - P.I., *Water Well Contractor*  
Scott Costa, C.W.D. - P.I., *Water Well Contractor*  
Abigail Fopiano, P.G., *Staff*

Bart Cushing, *Technical Driller*  
Rene Pelletier, P.G., *Dept. of Environmental Services*  
Frederick H. Chormann, Jr., P.G., *State Geologist*  
Steve Lamb, P.G., *Public Member*

FINAL

NH WATER WELL BOARD MINUTES

August 29, 2019

A meeting of the New Hampshire Water Well Board ("Board") was held on August 29, 2019, in the Department of Environmental Services (DES) Building in rooms 112 & 113, 29 Hazen Drive, Concord, NH 03301.

Present were: Kelly Dobrowolski, Chair

Board Members: Scott Costa, Bart Cushing, Steve Lamb, Rene Pelletier, and Peter Caswell

DES Staff: Abigail Fopiano

**Administrative Hearing – T&K Drilling, Water Well Contractor License No. 1516:**

An administrative hearing was held to consider whether the water well contractor license No. 1516, held by Sean McGarry and T&K Drilling, should be suspended or revoked for failure to file well completion reports as required by RSA 482-B:10, or for willful failure to comply with the provisions of RSA 482-B, or the rules adopted by the Board, We 100 through We 1000. The hearing was held under the authority of RSA 482-B:8 & 9 and RSA 541-A.

Ms. Dobrowolski opened the hearing at 9:30 A.M., and read the opening statements. The Board members introduced themselves and welcomed the public in attendance.

Ms. Fopiano was sworn in and provided testimony and evidence to the Board relative to well completion reports that were submitted late or missing from the years 2002-2019 by T&K Drilling (Sean McGarry), water well contractor license no. 1516. In addition, Ms. Fopiano provided a synopsis of Mr. McGarry's history of non-compliance with well completion reporting and license renewal.

Following Ms. Fopiano's testimony, Mr. McGarry (water well contractor license no. 1516), the qualified individual of T&K Drilling, was sworn in and provided testimony to the Board. Mr. McGarry noted that he had submitted well completion reports late in the past and may not be current in his reporting. Mr. McGarry also discussed the typical scope of work he would perform for State work.

Following questions from the Board, Ms. Fopiano's and Mr. McGarry's testimony concluded.

The hearing of record ended at 10:15 A.M.

Deliberations were held from 10:15 A.M. to 10:50 A.M. Following the discussion, upon motion by Mr. Pelletier and seconded by Mr. Costa, the Board voted 5 to 1 to approve the motion to place water well contractor license no. 1516 under probation with the following conditions:

- Place T&K Drilling water well contractor license on 2-year probation with a 45-day reporting requirement starting on the date of the Decision and Order (September 4, 2019).
- Require T&K Drilling submit any outstanding well completion or well abandonment reports within 60 Days of the date of the Decision and Order (September 4, 2019).
- Require T&K Drilling to submit an affidavit to the Water Well Board relative to compliance of the well reporting rules since issuance of the water well contractor license. This plan must be submitted to the Board within 60 days of the date of the Decision and Order (September 4, 2019).
- Require T&K Drilling to submit an acceptable written plan on how the business will improve future well completion report practices to the Water Well Board. This plan must be submitted to the Board within 60 days of the date of the Decision and Order (September 4, 2019).

**Administrative Hearing – Geosearch Inc, Water Well Contractor License No. 1782:**

An administrative hearing was held to consider whether the water well contractor license No. 1782, held by Matthew Bovenzi and Geosearch Inc, should be suspended or revoked for failure to file well completion reports as required by RSA 482-B:10, or for willful failure to comply with the provisions of RSA 482-B, or the rules adopted by the Board, We 100 through We 1000. The hearing was held under the authority of RSA 482-B:8 & 9 and RSA 541-A.

Ms. Dobrowolski opened the hearing at 11:00 A.M., and read the opening statements.

Ms. Fopiano was sworn in and provided testimony and evidence to the Board relative to well completion reports that were submitted late from the years 2011-2019 by Geosearch (Matthew Bovenzi), water well contractor license no. 1782. In addition, Ms. Fopiano provided a synopsis of Mr. Bovenzi's history of non-compliance with well completion reporting.

Following Ms. Fopiano's testimony, Mr. Bovenzi (water well contractor license no. 1782), the qualified individual of Geosearch Inc, was sworn in and provided testimony to the Board. Mr. Bovenzi noted that he had submitted well completion reports late in the past and he discussed his drilling operations and how well completion reports have been filled out in the past, and how to improve on completing them on time in the future.

Following questions from the Board, Ms. Fopiano's and Mr. Bovenzi's testimony concluded.

The hearing of record ended at 11:24 A.M.

Deliberations were held from 11:24 A.M. to 11:37 A.M. Following the discussion, upon motion by Mr. Pelletier and seconded by Mr. Cushing, the Board voted unanimously to place water well contractor license no. 1782 under probation with the following conditions:

- Place GeoSearch, Inc. water well contractor license on 1-year probation with a 60-day reporting requirement starting on the date of this Decision and Order.
- Require GeoSearch, Inc. to submit any outstanding well completion or well abandonment reports within 60 Days of this Decision and Order.
- Require GeoSearch, Inc. to submit an affidavit to the Water Well Board relative to compliance of the well reporting rules since issuance of the water well contractor license. This plan must be submitted to the Board within 60 days of this Decision and Order.
- Require GeoSearch, Inc. to submit an acceptable written plan on how the business will improve future well completion report practices to the Water Well Board. This plan must be submitted to the Board within 60 days of this Decision and Order.

*After the end of deliberations at 11:37 A.M. there was a break in the meeting. Ms. Dobrowolski brought the Board meeting to order at 11:40 A.M.*

### **Approval of Minutes**

The Board reviewed the Minutes for the June 6, 2019 Board meeting. Ms. Dobrowolski noted a edit that shall be made. Mr. Cushing motioned to approve the June 6, 2019 Water Well Board Minutes. Mr. Costa seconded the motion and the Board unanimously voted to accept the June 6, 2019, Board meeting minutes with edits.

### **Probation Report**

Ms. Fopiano reported that three licensees, Lucy Faxon (License #1768), Tri-State Drilling & Boring (License #1762), and Wash Well Company (License #1464) are considered in compliance with the terms of their probation. Roth Artesian Well Company (License #20) has not submitted a report since March 2019, Ms. Fopiano requesting Roth Artesian Well Company submit any outstanding reports.

### **DES Enforcement Report**

Ms. Emily Jones presented a report for the Board on the enforcement actions initiated by DES for violations of RSA 482-B and the rules of the Board, We 100 – 1000. The report included an overview of the violations, DES actions and the current status of the specific cases handled over the last year.

### **Decision to Accept Appeal to DES Enforcement Decision**

In May 2019, the Board received an Appeal request to a DES Decision (March 19, 2019 Administrative Fine No. 18-023) against two unlicensed respondents, Kevin Cole of KK&S Development, LLC and David Lovlien of Northpoint Mechanical, who were found by DES to have willfully violated Water Well Board rules. In an appeal process (RSA 482-B:16, II.), the case goes to the Water Well Board in an Appeals Hearing, where the Board may uphold or overturn the Decision and/or impose a lesser or greater fine. However, the respondents Appeal request was submitted four days past the 30-day deadline.

The Attorney General office submitted a Motion to Dismiss to the Board, stating the late submittal as good reason for dismissal. The respondents responded to the Motion to Dismiss, asking the Board to deny the Attorney General's motion to dismiss and grant the appeal request, even though it was filed four days late. After discussion, Mr. Cushing motioned to deny the appeal request by KK&S Development / David Lovlien based on failure to meet RSA 482-B:16, II and We 206.03. Mr. Caswell seconded the motion and the Board unanimously voted to deny the appeal request. A motion to grant the Attorney General's requested motion to dismiss based on RSA 482-B:16, II was made by Mr. Cushing and seconded by Costa. The Board unanimously voted to accept the motion to accept the motion to dismiss.

### **2019-2020 License Renewal Update**

Ms. Fopiano provided a report to the Board that detailed the licensees that have yet to renew their license for the 2019-2020 year. Ms. Fopiano informed the Board that in mid-August a reminder letter had been sent to all licensees not yet renewed their license was inactive and to send in a completed renewal form to re-active their license

### **New License Applications**

Four license applicants were presented to the Board. The first applicant, Curtis King is seeking domestic and industrial pump installers license under an existing licensed company, had submitted an application in 2016, was approved by the Board yet failed the examinations. Following discussion, the Board determined that the previous approval still stands the applicant can retake the exams.

The second applicant James Whitney is seeking domestic and industrial pump installers license under a new company. Following review of the application, Mr. Pelletier motioned to allow the applicant to sit for the exams, Mr. Cushing seconded the motion. The Board voted unanimously to allow the applicant sit for the exam.

The Third applicant Scott Roth is seeking domestic and industrial pump installers license as well as a rotary drilling and dug well license under an existing licensed company. Following a discussion, Mr. Costa motioned to allow the applicant to sit for the exam. Mr. Caswell seconded the motion. The Board unanimously voted to allow the applicant sit for the exam.

The Forth applicant Shannon Roth is seeking domestic and industrial pump installers license under an existing licensed company. Following a discussion, Mr. Costa motioned to allow the applicant to sit for the exam. Mr. Caswell seconded the motion. The Board unanimously voted to allow the applicant sit for the exam.

### **2018 Well Completion Reporting Summary Follow-up**

Ms. Fopiano presented a summary, organized by water well contractor license number, of the number of water well businesses and qualified individual who responded to the Boards request of providing signed affidavit, affirming they are up to date in their reporting. The Board reviewed this summary. The Board requested Ms. Fopiano a prepare letter to Luke Fowler of Fowler Well Drilling informing him

that well construction deficiencies have been noticed in his reports, clarify the well construction rules and remind him to submit all reports in a timely manner.

**New Business**

The Board discussed the possibility of instating reciprocity with the State of Maine, as it pertains to well construction and pump installing licensing. After discussion, the Board decided not to pursue this.

The Board discussed the process needed to update the water well exams. At the Boards request, Ms. Fopiano will present one or two exams at each meeting for the Board to review and update.

Mr. Cushing motioned to elect Ms. Dobrowolski to Board Chair for the 2019-2020 year. Mr. Caswell seconded the motion, the Board unanimously voted to accept the motion. The Board discussed the proposed dates of 2020 Board meetings and exams, a few changes were requested but not required.

Ms. Fopiano noted that NH DES requested the Boards opinion of moving forward to finalize rules under RSA 485:3 related to geothermal systems – their use of heat exchange fluids and discharges that may cause contamination of water sources. After discussion, the Board determined there was no need for the rules, advancements and changes in the geothermal industry has corrected issues of the past. The board agreed that a guidance document summarizing the information in the proposed rules would be beneficial.

Mr. Thomas O'Donovan, the NHDES Water Division Director, introduced himself to the Board.

*Mr. Costa motioned to adjourn the meeting. Mr. Caswell seconded the motion, the Board unanimously voted to adjourn at 1:36 P.M.*



Rene Pelletier  
Water Well Board Secretary